

### REMARKS/ARGUMENTS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Applicants' attorney sincerely appreciates the Examiner's acknowledgement of the allowance of claims 1, 3-5, 8-24 and 47 in the Advisory Action of October 9, 2003.

#### Rejection of Claims 50-53 Under 35 U.S.C. 112, First Paragraph

The Examiner has maintained the rejection of claims 50-53 under 35 U.S.C. 112, first paragraph.

#### The Examiner's Position

The Examiner contends that the specification, while being enabling for polynucleotides encoding the polypeptides of SEQ ID NO:63 or SEQ ID NO:64, does not reasonably provide enablement for polynucleotides encoding polypeptides having elongase activity wherein the polypeptides are at least 70% sequence similar to the polypeptides of SEQ ID NO:63 or SEQ ID NO:64, or polynucleotides encoding polypeptides having elongase activity wherein said polypeptides are at least 60% sequence identical to the polypeptides of SEQ ID NO:63 or SEQ ID NO:64.

#### The Applicant's Position

The Applicants respectfully traverse the rejection of claims 50-53 under Section 112, first paragraph.

Applicants submit that the attached Declaration of Amanda Leonard establishes the correlation between structure and function in connection with known elongases, thereby supporting the 70% similarity recitation in claims 50 and 51, as well as the 60% identity recitation in claims 52 and 53. In particular, the Declaration of co-inventor

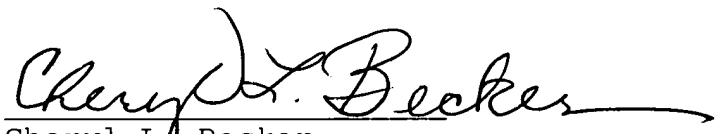
Leonard establishes the region of known elongases which is critical for the protein to properly function as an enzyme (i.e., to add two carbon atoms to the substrate) and the sequence identity that any elongase must have to either the amino acid sequence of SEQ ID NO:63 or SEQ ID NO:64 in order to maintain such function.

In view of the above, it is submitted that the rejection of claims 50-53 under 35 U.S.C. 112, first paragraph has been overcome and should be withdrawn accordingly.

It is submitted that the subject application is in condition of allowance and Notice to that effect is respectfully requested.

Further, should the Examiner have any questions relating to the above, she is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
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